

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

Don Galusha and Leonard Ward,	)	
	)	Civil Action No: 3:07-1179
Plaintiffs,	)	
	)	<i>Judge Trauger</i>
v.	)	
	)	
Michael J. Austin,	)	
	)	
Defendant	)	

DEFAULT JUDGMENT

Pending is Plaintiffs' Motion for Default Judgment against Defendant pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure (FRCP)(Docket Entry 11). Default pursuant to FRCP 55(a) previously has been entered against Defendant. Plaintiffs' motion is supported by affidavits as to damages (Docket Entries 13 & 14) and the damages sought are determined pursuant to contract. Those damages are of a sum certain such that default judgment may be granted by the Clerk pursuant to FRCP 55(b)(1). Given Defendant's continued failure to respond to the allegations against him despite having been served with the Complaint and multiple other filings including the Entry of Default (Docket Entry No. 16), the Clerk has no basis upon which to refuse to enter default judgment as sought by Plaintiffs.

Accordingly, the Clerk hereby enters default judgment against Michael J. Austin as follows:

1.) Plaintiff Don Galusha is awarded a judgment of \$2,000,000.00 as sought in his affidavit; and 2.) Plaintiff Leonard Ward is awarded a judgment in the amount of \$1,830,000.00 as stated in his affidavit. Attorney fees and costs and taxable costs, if sought, must be sought by separate motion pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court.

s/ Keith Throckmorton  
Keith Throckmorton  
Clerk of Court